

REMARKS

Claims 1-13, 15-36 and 38-42 are pending in this application. By this Amendment, claim 1 has been amended to incorporate the features of claim 14 and claims 14 and 37 have been canceled. In addition, claims 2, 35 and 36 have been amended to improve their clarity. New claims 41 and 42 have been added. Support for new claims 41 and 42 may be found, for example, on page 11, lines 9-10, and on page 12, lines 8-27, respectively. Claims 15-34 and 38-40 are withdrawn by the Examiner as being directed to a non-elected species. However, claims 15, 38 and 39, which depend from claim 1, should be rejoined and allowed when claim 1 is allowed. Applicant continues to traverse the election requirement for the reasons previously stated.

In view of the cancellation of claim 37, the objection to this claim is moot.

Claims 1-6, 10, 12-13 and 36-37 stand rejected under 35 U.S.C. §102(b) over Christy et al., U.S. Patent No. 5,786,578. This rejection is respectfully traversed.

Christy fails to teach or suggest a receptacle containing a single dose of a treatment substance as recited in claim 1. As disclosed at col. 5, lines 37 and 47, Christy provides more than a single dose. Moreover, Christy fails to teach or suggest that the treatment substance is one of a shampoo, a shower gel, a self-tanning substance and a massage oil, also as recited in claim 1.

The rejection of claim 36 based on Christy also is respectfully traversed. Christy does not teach or suggest a receptacle that both contains a treatment substance and includes a ballast allowing the receptacle to have zero or negative buoyancy in water. The putty in the Christy container is the treatment substance, and therefore is not the ballast. Furthermore there is no explicit teaching in Christy, nor is it inherent, that the microwaveable container containing the putty mass would have zero or negative buoyancy in water.

Because Christy fails to teach or suggest all the features of claims 1 and 36, withdrawal of the rejection is respectfully requested.

Claims 1-6, 9, 12-14 and 36 stand rejected under 35 U.S.C. §102(e) over Moore, U.S. Patent No. 6,405,867. This rejection is respectfully traversed.

Moore fails to teach or suggest a treatment substance that is selected from a shampoo, a shower gel, a self-tanning substance and a massage oil, as recited in claim 1. Moore describes a package that contains a sunscreen, and based on the definition of sunscreen as provided by Moore in column 1, lines 13-29, it is clear that a sunscreen is not one of the claimed treatment substances. As such, Moore fails to teach or suggest all features of claim 1 and its dependent claims.

With respect to claim 36, Moore does not teach or suggest a receptacle having a ballast that allows the receptacle to have zero or negative buoyancy in water. This feature is not inherent, absent some other teaching, as many bottles containing liquids are buoyant.

Because Moore fails to teach or suggest all the features of claims 1 and 36, withdrawal of this rejection is respectfully requested.

Claims 11 and 35 stand rejected under 35 U.S.C. §103(a) over Moore in view of Pitschka, U.S. Patent No. 6,364,112. This rejection is respectfully traversed.

Pitschka does not overcome the deficiencies in Moore discussed above with respect to claim 1. Accordingly, claim 11, which depends from claim 1, is patentable over Moore and Pitschka.

Claim 35 recites that a receptacle, which contains a treatment substance, also includes a fixing member that allows the receptacle to be fixed onto a radiator. Pitschka is directed to a container for a condiment that adhesively attaches to the interior of a vehicle to facilitate the eating of food and snack while driving. A person of skill in the art would not look to a patent for making it easier to eat food in a car when trying to solve the problem of making it easier

for persons, and in particular children, to accept a personal hygiene substance or to make cosmetics more comfortable and safer to use. Furthermore, one skilled in the art would not have been motivated to place the Pitschka adhesive on the Moore pouch as that would make it sticky and cumbersome to use. The Office Action thus relies upon impermissible hindsight in making this combination of references to justify the rejection.

Withdrawal of the rejection of claims 11 and 35 is respectfully requested.

Claim 8 stands rejected under 35 U.S.C. §103(a) over Moore in view of Dimelis et al., U.S. Patent No. 5,960,947. This rejection is respectfully traversed.

Dimelis et al. does not overcome the deficiencies in Moore with respect to claim 1. Accordingly, claim 8, which depends from claim 1, is patentable.

Furthermore, Dimelis et al. does not disclose or suggest an indicator having a flexible support fixed to a receptacle, as recited in claim 8. As noted on page 5 of the Office Action, Dimelis teaches providing a flexible support on pouches or receptacles for mounting the pouch onto other surfaces. However, claim 8 does not recite these features, as noted above. Thus, the Office Action has failed to establish a *prima facie* showing of obviousness with respect to claim 8. Withdrawal of this rejection is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. §103(a) over Moore in view of Bradley et al., U.S. Patent No. 4,408,557. This rejection is respectfully traversed.

Bradley et al. does not overcome the deficiencies in Moore with respect to claim 1. Accordingly, claim 7, which depends from claim 1, is patentable.

Furthermore, Bradley et al. does not disclose or suggest an indicator that is configured to release a volatile substance when the temperature exceeds a predetermined value, as recited in claim 7. Bradley et al. teaches the use of agents that release an odorous substance at the completion of an integration cycle. There is no teaching or suggestion within Bradley et al. that the odorous substance is released when a temperature reaches a predetermined value, as

recited in claim 7. Instead, an integration cycle as described in Bradley is based on a passage of time that correlates to shelf life of products. In Bradley, the motivation is to inform consumers when a product has expired, not when it is too hot or cold to be used. Because there is no motivation to combine Moore and Bradley et al. or to provide the claim 7 features, withdrawal of the rejection of claim 7 is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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